



General Assembly

January Session, 2009

Amendment

LCO No. 7061

HB0542107061HR0

Offered by:

REP. ROWE, 123rd Dist.

To: Subst. House Bill No. 5421

File No. 198

Cal. No. 169

**"AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF
THE DEPARTMENT OF CHILDREN AND FAMILIES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 45a-751b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) If parental rights were terminated on or after October 1, 1995,
6 any information tending to identify the adult adopted or adoptable
7 person, a biological parent, including a person claiming to be the father
8 who was not a party to the proceedings for the termination of parental
9 rights, or adult biological sibling shall not be disclosed unless written
10 consent is obtained from the person whose identity is being requested.

11 (b) (1) If parental rights were terminated on or before September 30,
12 1995, [(1)] (A) any information tending to identify the biological
13 parents, including a person claiming to be the father who was not a
14 party to the proceedings for the termination of parental rights, shall

15 not be disclosed unless written consent is obtained from each
16 biological parent who was party to such proceedings, except as
17 provided in subdivision (2) of this subsection, and [(2)] (B) identifying
18 information shall not be disclosed to a biological parent, including a
19 person claiming to be the father who was not a party to the
20 proceedings for the termination of parental rights, without the written
21 consent of each biological parent who was a party to such proceedings
22 and the consent of the adult adopted or adoptable person whose
23 identity is being requested.

24 (2) On and after October 1, 2009, information tending to identify a
25 biological parent who is subject to this subsection may be disclosed to
26 an authorized applicant if the biological parent whose information is to
27 be disclosed provides written consent, provided the department
28 attempts to determine the whereabouts of the other biological parent
29 and obtain written consent from such other biological parent to permit
30 disclosure of such information in the manner permitted under
31 subdivision (1) of this subsection. If such other biological parent cannot
32 be located or does not provide such written consent, information
33 tending to identify the biological parent who has provided written
34 consent may be disclosed to an authorized applicant, provided: (A)
35 Information tending to identify the other biological parent shall not be
36 disclosed without the written consent of the other biological parent,
37 and (B) the biological parent whose information is to be disclosed signs
38 an affidavit that such parent shall not disclose any information tending
39 to identify the other biological parent without the written consent of
40 the other biological parent.

41 (c) If the whereabouts of any person whose identity is being sought
42 are unknown, the court shall appoint a guardian ad litem pursuant to
43 subsection (c) of section 45a-753.

44 (d) When the authorized applicant requesting identifying
45 information has contact with a biological sibling who is a minor,
46 identifying information shall not be disclosed unless consent is
47 obtained from the adoptive parents or guardian or guardian ad litem

48 of the sibling.

49 (e) Any information tending to identify any adult relative other than
50 a biological parent shall not be disclosed unless written consent is
51 obtained from such adult relative. The consent of any biological
52 parents common to the person making the request and the person to
53 be identified shall be required unless (1) the parental rights of such
54 parents have been terminated and not reinstated, guardianship has
55 been removed and not reinstated or custody has been removed and
56 not reinstated with respect to such adult relative or (2) the adoption
57 was finalized on or after June 12, 1984. No consent shall be required if
58 the person to be identified is deceased. If the person to be identified is
59 deceased, the information that may be released shall be limited as
60 provided in subsection (e) of section 45a-753.

61 (f) Any adult person for whom there is only removal of custody or
62 removal of guardianship as specified in subsection (b) of section 45a-
63 750 may apply in person or in writing to the child-placing agency, the
64 department, the court of probate or the superior court which has the
65 information. Such information shall be made available within sixty
66 days of receipt of such request unless the child-placing agency,
67 department or court notifies the person requesting the information that
68 it cannot be made available within sixty days and states the reason for
69 the delay. If the person making such request is a resident of this state
70 and it appears that counseling is advisable with release of the
71 information, the child-placing agency or department may request that
72 the person appear for an interview. If the person making such request
73 is not a resident of this state, and if it appears that counseling is
74 advisable with release of the information, the child-placing agency,
75 department or court may refer the person to an out-of-state agency or
76 appropriate governmental agency or department, approved by the
77 department or accredited by the Child Welfare League of America, the
78 National Conference of Catholic Charities, the Family Services
79 Association of America or the Council on Accreditation of Services of
80 Families and Children. If an out-of-state referral is made, the
81 information shall be released to the out-of-state child-placing agency

82 or department for release to the applicant, provided such information
83 shall not be released unless the out-of-state child-placing agency or
84 department is satisfied as to the identity of the person."